

REMARKS

The present amendment is in response to the Official Action mailed on April 13, 2007. Applicant has amended claims 1 and 2 and added new dependent claims 57 and 58. Accordingly, claims 1-2 and 57-58 are now presented for the Examiner's consideration in view of the following remarks.

In the Official Action, the Examiner has rejected claims 1-2 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication Number 2006/0271989 to Glaser et al. ("Glaser"). It is respectfully submitted that Glaser does not anticipate the presently pending claims.

Unlike the presently claimed invention, Glaser's transmission of its high quality data is not sent in a multiplexed fashion with normal quality audio. Rather, Glaser sends only high quality audio alone until the buffers holding the normal quality audio are depleted to a certain level, such as 60 percent, as explained in paragraphs [0098]-[0099]. Glaser only discloses multiplexing normal quality audio data and metadata as explained in paragraph [0101]. Thus, Glaser lacks the claimed multiplexing step of claims 1 and 2.

Further, it would have not been obvious to multiplex the high quality data in Glaser. This is because Glaser's high quality transmission process is set up to allow the user to enhance only portions (e.g., user-selectable portions) of the broadcast that the user wants in high quality. See paragraph [0090]. Glaser does not contemplate multiplexing high quality data because such data is too large and takes more time to transmit than normal data. See paragraph [0097]. Rather, Glaser uses a buffering system to monitor the subscribers buffers and uses a separate high quality buffer at the subscriber's computer, as explained in paragraph [0090]. By contrast, the presently claimed invention transmits all of the download audio data for storage and later playback, as opposed

to merely enhancing playback quality of portions of currently listened to audio.

In conclusion, Glaser supplies portions of high quality audio only to enhance portions of a currently listened to program and does not store a complete file for later playback in use. There is no multiplexing step for multiplexing the audio digital data of the plurality of audio broadcasts, the digital data for the audio information screen and the download audio data as claimed. As Glaser does not disclose the multiplexing steps of claims 1 or 2, it also does not anticipate newly added claims 57 and 58, which include the features of the audio digital data having a first sound quality and the download audio data having a second, higher quality sound, which had previously presented in the independent claims.

Applicant therefore respectfully requests the Examiner to withdraw the rejection of the claims based on Glaser.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/341,324

Docket No.: SONYSU 3.3-043

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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